

REMARKS

Applicants have carefully considered the matters raised by the Examiner in the outstanding Office Action but remain of the position that patentable subject matter is present. Applicants respectfully request reconsideration of the Examiner's position based on the Declaration of Mr. Shimizu, the amendments to the claims and the following remarks.

The present invention is directed to a cellulose ester film that can be used as a protective film for a polarizing plate. The cellulose ester film of the invention has excellent moisture vapor transmittance and dimensional stability, as well as excellent UV light fastness and resistance to high temperature. In one of the novel aspects of the invention, the cellulose ester film contains a compound of formula (1) and also contains particles that give a reduced haze to the film.

Applicants have amended claim 1 to recite the presence of particles in the film. Claim 1 has also been amended to further define the substituent "Y" of formula (1) by adding the limitations of claim 2. Claim 2 has accordingly been cancelled. Support for the presence of particles can be found on page 34, lines 11-12 and on page 35, lines 12-13. Support for the size of the particles can also be found on page 60, dope composition A (Aerosil 200V, 0.0005 weight %).

Applicants have added new claim 21 in order to recite the size of the particles of claim 1. Support can be found on page 35, lines 8-9. Furthermore, claim 8 has been amended to recite that the particles are silicon oxide particles. Support can be found on page 35, lines 14-15. Applicants have also amended claims 3-6 to be dependent upon claim 1 rather than on cancelled claim 2.

A restriction had been put forward between Group I, claims 1-10, 19 and 20 and Group II, claims 11-18. Applicants had provisionally elected to prosecute Group I, claims 1-10, 19 and 20. Applicants confirm the election of Group I, claims 1-10, 19 and 20. Thus, claims 1 and 3-21

are pending in the Application, while claims 1, 3-10 and 19-21 are currently under prosecution.

Claims 1-6 and 10 had been rejected as being anticipated by Van Every as evidenced by Morflex. Claims 2, 3 and 5 had been rejected as being unpatentable over Van Every as evidenced by Morflex. Claim 7 had been rejected as being unpatentable over Van Every as evidenced by Morflex and in view of Joseph. Claim 8 had been rejected as being unpatentable over Van Every as evidenced by Morflex and in view of Snaper. Finally, claims 9, 19 and 20 had been rejected as being unpatentable over Van Every as evidenced by Morflex and in view of Claussen.

Van Every teaches a cellulose nitrate film containing 3.89 weight% cyclohexyl phthalate (Example VII). The Examiner had stated that cyclohexyl phthalate reads on formula (1) of claim 1. Van Every, however, does not teach that the cellulose ester film contains particles in an amount of 0.0001 to 0.3% by weight as recited in claim 1. Snaper has been cited to teach the silicon oxide particles of claim 8 (col. 3, lines 33-36).

First, Snaper nowhere explains the crystal content of the film. As a result, Snaper does not specifically teach that the silicon oxide crystals are present in an amount of 0.0001 to 0.3% by weight as recited in claim 1. Thus, Applicants submit that Snaper provides no teaching or motivation to one of skill in the art to select the weight percentage of the particles recited in claim 1.

Second, Applicants have enclosed test data in Declaration form in order to demonstrate that a superior cellulose ester film is provided when the amount of the particles falls within the specific range of claim 1. Specifically, the weight percentage range of the particles of claim 1 provides a cellulose ester film having an acceptable haze.

Mr. Shimizu prepared and evaluated 3 cellulose ester film samples. First, a cellulose ester dope composition was prepared in the same manner as Example VI of Van Every, except that silicon dioxide particles were added to give a particle content of 0.5% by weight (outside the range of claim 1). The resulting dope was processed in the same

manner as cellulose ester film sample 1 of Example 1 of the Application in order to produce Comparative Sample 1-1.

Inventive Sample 1-2 was prepared in the same manner as Comparative Sample 1-1, except that the silicon dioxide particles were added to give a particle content of 0.25% by weight (within the range of claim 1). Finally, Inventive Sample 1-3 was prepared in the same manner as Comparative Sample 1-1, except that the silicon dioxide particles were added to give a particle content of 0.05% by weight (within the range of claim 1).

Mr. Shimizu evaluated Comparative Sample 1-1, Inventive Sample 1-2 and Inventive Sample 1-3 for haze. The results of these evaluations are illustrated in Table 2 of the Declaration.

Table 2 demonstrates that both Inventive Sample 1-2 and Inventive Sample 1-3 exhibited an acceptable level of haze. A film sample with a haze of greater than 0.5% cannot be applied to a polarizing plate or a LCD since the

image contrast would be lowered. Comparative Sample 1-1 exhibited a haze of 1.0%, thus rendering the Comparative Sample 1-1 unacceptable for commercial use.

Applicants therefore submit that the Declaration adequately demonstrates the criticality of the claimed range. There is no teaching or suggestion in Snaper to select the silicon oxide weight percentage within the range of claim 1. Thus, it is submitted that the present invention is patentable over the combination of Van Every and Snaper.

Turning to the remaining cited references, neither Joseph nor Claussen teach that the cellulose ester film contains particles in an amount of 0.0001 to 0.3% by weight as recited in claim 1.

In view of the foregoing and the enclosed, it is respectfully submitted that the application is in condition for allowance and such action is respectfully requested. Should any extensions of time or fees be necessary in order

to maintain this Application in pending condition,
appropriate requests are hereby made and authorization is
given to debit Account # 02-2275.

Respectfully submitted,

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Encl: Executed Declaration of Kunio Shimizu
Return receipt post-card